

REMARKS

This Response is to the final Office Action dated February 22, 2010, the Advisory Action dated April 30, 2010, and in accordance with a June 17, 2010, telephone interview courteously granted by the Examiner. Claims 54 to 57 were previously canceled without disclaimer. Claims 1, 18, 33 and 44 have been amended herein. These amendments were not made to overcome the prior art or to disclaim any subject matter regarding same, but were merely made to clarify the generation of the time-out output by the software installed on the wireless device. No new matter has been added by these amendments. Support for these amendments can be found, for example, at page 5, lines 13 to 26. A Request for Continued Examination is submitted herewith. Please charge Deposit Account No. 02-1818 for any fees owed in connection with this Response.

In the Office Action, claims 1 to 53 and 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,641,533 to Causey III et al. ("*Causey*") in view of U.S. Patent No. 5,827,180 to Goodman ("*Goodman*").

As a preliminary matter, Applicants note that the final Office Action at page 3, paragraph number 3, states that Claims 1 to 58 are rejected as being unpatentable over *Causey* in view of *Goodman*. However, Claims 54 to 57 were previously canceled. Applicants accordingly address the rejection of Claims 1 to 53 and 58 as being unpatentable over *Goodman* in view of *Causey*. Applicants further note that the Advisory Action dated April 30, 2010, did not address the arguments made in the Response to the final Office Action of February 22, 2010. In particular, the Advisory Action did not indicate where the applied prior art taught the software installed on the wireless remote device that having a time-out output that indicates loss of a wireless communication link.

Regarding the rejection of independent claim 1, independent claim 1 as presently presented is directed to a system for reporting on the integrity of a wireless communication link within a healthcare facility including, in part:

a wireless remote device within the healthcare facility having a message indicator responsive to the status information output transmitted over the wireless communication link and representative of the signal generated by the medication treatment application device; software installed on the wireless remote device, the software configured to: (i) wait a predetermined amount of time for an input, and (ii) generate a time-out output that indicates loss of the wireless communication link when the input is not received within the predetermined amount of time. (emphasis added).

The software installed on the wireless device of claim 1 as presently presented generates a time-out output that indicates the loss of a wireless communication link. See, Applicants specification, e.g., at page 5, line 16. The software tests the integrity of the wireless communication link via waiting a predetermined amount of time for an input, and (ii) generating a time-out output that indicates loss of the wireless communication link when the input is not received within the predetermined amount of time. See, Applicants' specification, e.g., at page 5, lines 23 to 26.

During the Interview, the Examiner indicated that *Causey* and *Goodman* do not appear to disclose or suggest the system of Claim 1 as presently presented including software installed on the wireless remote device that (i) waits a predetermined amount of time for an input, and (ii) generates a time-out output that indicates loss of the wireless communication link when the input is not received within the predetermined amount of time. Applicants confirm, for the reasons set forth in detail below, that *Causey* and *Goodman* do not disclose or suggest the system for reporting on the integrity of a wireless communication link of Claim 1 as presently presented including software installed on the wireless remote device that (i) waits a predetermined amount of time for an input, and (ii) generates a time-out output that indicates loss of the wireless communication link when the input is not received within the predetermined amount of time.

Regarding *Causey*, the Office Action at page 3 acknowledges that *Causey* does not disclose a system including software installed on a wireless remote device having a time-out output. Applicants respectfully submit that *Causey* indeed does not disclose or suggest such a system and refers the Patent Office to the arguments presented in the Response to the Advisory Action of June 3, 2009, and to the final Office Action of February 20, 2009 with respect to *Causey*. The Office Action relies on *Goodman* for the teaching of a system including software installed on the wireless remote device having a time-out output and the time-out output indicating a loss of the wireless communication link of Claim 1 as previously presented. See, Office Action page 3; pages 8 and 9.

Specifically, the Office Action at pages 8 and 9 states that:

Goodman discloses transmitting a wireless signal to said message device in response to an occurrence of said time action and providing message device with an event indicator having an active and inactive state ('180; Claim 1, Col. 14, lines 1-17).

Therefore given the broadest reasonable interpretation to one of ordinary skill in the art, it is submitted that the transmitting a wireless signal to

said message device in response to an occurrence of said time action with an active and inactive state is in a form described as the a time-out output in the Applicant's invention.

As previously argued, Applicants respectfully disagree with this conclusion and the reasons supporting it. Nevertheless, to expedite prosecution, Applicants have amended independent Claim 1 to recite, "software configured to: (i) wait a predetermined amount of time for an input, and (ii) generate a time-out output that indicates loss of the wireless communication link when the input is not received within the predetermined amount of time."

Applicants respectfully submit that *Goodman* does not disclose or suggest the software of Claim 1 that tests the integrity of a wireless communication link. Instead, *Goodman* discloses transmitting a wireless signal, receiving the wireless signal, and placing an event indicator in an active state in response to receiving the wireless signal. See, *Goodman*, claim 1. The active state of *Goodman* appears to be merely an indication that a wireless signal has been received. That is, the event indicator of *Goodman* becomes active upon receipt of the wireless signal. See, *Goodman*, claim 1. The inactive state in *Goodman* appears to be merely a state in which no wireless signal has been received. Thus, the inactive state of *Goodman* is not an output resulting from a test as to the integrity of a wireless communication link. In other words, the inactive state of *Goodman* does not indicate a loss of a wireless communication link. More specifically, the inactive state is not an indication of a loss of a wireless communication link that results from software waiting a predetermined amount of time for an input, but not receiving that input. Nothing in *Goodman* suggests that if a wireless signal is sent and not received after a predetermined amount of time, then a time-out output is generated indicating loss of a wireless communication link.

The Office Action at page 3 additionally cites to column 5, lines 42 to 55, and column 6, lines 23 to 42 of *Goodman* for disclosure of software installed on a wireless remote device having a time-out output. Applicants respectfully submit that these passages in *Goodman* also fail to disclose or suggest software configured to: (i) wait a predetermined amount of time for an input, and (ii) generate a time-out output that indicates loss of the wireless communication link when the input is not received within the predetermined amount of time.

Instead, column 5, lines 42 to 55 in *Goodman* discloses:

[i]n a further embodiment of message device 20, software and adapters can be developed so that personal digital assistants, such as the devices model Wizard available from SHARP Electronics, Inc., device model HP

100LX available from Hewlett Packard, and device model Newton available from Apple Computer, Inc., can communicate with the data processor 10 to receive information from, and deliver information to, the host computer 30 and to generate the alerts for medication regimen, store the patient compliance data, and to provide a display of sales information downloaded from data processor 10 and for two-way communication with data processor. Standard data communications can be used and these can be easily created by persons of ordinary skill in the art.

The above-quoted passage of *Goodman* merely describes a messaging device 20 including software that enables messaging device 20 to communicate with data processor 10 for delivery of information to host computer 30. Nowhere does the passage of *Goodman* describe a system including software installed on a wireless remote device, the software configured to: (i) wait a predetermined amount of time for an input, and (ii) generate a time-out output that indicates loss of the wireless communication link when the input is not received within the predetermined amount of time.

Similarly, column 6, lines 32 to 42 of *Goodman* discloses:

The software will then actuate the alarm and display the appropriate message as the stored regimen is executed, without prompting by wireless carrier 60. This will reduce communication costs. If the medication regimen is changed, the wireless carrier 60 can re-program the paging device 61' as appropriate. Further, the clock 63 in the paging device 61 is preferably resettable by a general broadcast of a time control signal by the wireless carrier 60. This embodiment is better suited for paging devices having two-way communication capabilities so that safe receipt of the downloaded regimen can be confirmed. (emphasis added).

This second passage describes an embodiment of the health network of *Goodman* in which host computer 30 communicates with wireless carrier 60 to provide information to patients having paging devices 61. See, *Goodman*, Fig. 4a and accompanying text. In one version of this embodiment, *Goodman* discloses a modified paging device 61', which includes a non-volatile memory 62, real-time clock 63, antenna 66 and a suitable software 64 for storing data within the paging device. See, *Goodman*, Fig. 4b, column 6, lines 16 to 22.

The Office Action at page 3 states that, "the Examiner interprets the resettable time control signal by the wireless carrier as loss of the wireless communication link." The time control signal to which the Office Action at page 3 refers is the time control signal underlined in the above quoted passage. Applicants respectfully submit that this time control signal is generated by a wireless device for resetting clock 63 within paging device 61. However,

Goodman does not describe that this time control signal is software configured to: (i) wait a predetermined amount of time for an input, and (ii) generate a time-out output that indicates loss of the wireless communication link when the input is not received within the predetermined amount of time. Indeed, there is no disclosure in *Goodman* that this time control signal has anything to do with an indication of a loss of a wireless communication link, let alone software configured as set forth in Claim 1 as presently presented. Instead, the time control signal appears to be a signal that enables the wireless device to remotely program or reprogram information stored on the paging device (e.g., information on the clock component of the paging device). Applicants accordingly respectfully submit that the time control signal of *Goodman* is not software installed on the wireless device that is configured to: (i) wait a predetermined amount of time for an input, and (ii) generate a time-out output that indicates loss of the wireless communication link when the input is not received within the predetermined amount of time as required by claim 1.

For at least the above reasons, Applicants respectfully submit that independent claim 1 and its dependent claims 2 to 17 are patentably distinguished over *Causey* and *Goodman*.

Independent claims 18, 33 and 44 as presently presented include similar elements to independent claim 1. Accordingly, for at least the reasons given above with respect to independent claim 1 as presently presented, Applicants respectfully submit that independent claims 18, 33 and 44 as presently presented, and their respective dependent claims 19 to 32, 34 to 43, and 45 to 58 are patentably distinguished over *Causey* and *Goodman*.

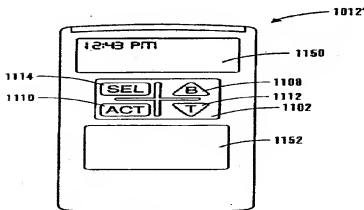
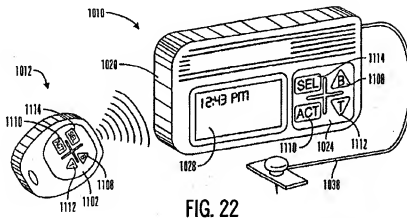
In addition, Applicants respectfully submit that independent claim 44 as presently presented and numerous dependent claims are also patentably distinguished over *Causey* and *Goodman*. For example, independent claim 44 as presently presented (and dependent claim 16) includes, in part, "wherein an icon responsive to the time-out output is provided on the visual display." Dependent claim 17, includes, in part, "wherein a pop-up window is provided on the visual display in response to the time-out output." Page 8 of the Office Action states:

With respect to Claim 16 . . . Causey et al disclose further wherein an icon responsive to the time-out output is provided on the visual display ('533; Fig. 22: time output).

...

With respect to Claim 17, . . . Causey, III. et al. discloses further wherein a pop-up window is provided on the visual display in response to the time out ('533, Figs. 22 & 24 pop-up window showing time).

Figs. 22 and 24 are reproduced below.



Applicants respectfully submit that *Causey* does not disclose or even hint that either the RF programmer 1012 (Fig. 22) or the RF programmer 1012' (Fig. 24) above includes (i) an icon responsive to a time-out output or (ii) a pop-up window provided on the displays 1028 or 1150 respectively, as required by independent claim 44 (and claim 16) and claim 17 respectively. The only device in *Causey* that includes any type of timing feature whatsoever is the RF receiver, as referred to in column 11, line 65, to column 12, line 4, which states, in part, "the receiver will remain in an active mode until a complete sequence of commands has been received, or until the receiver times out due to a lack of RF communications from the RF programmer." However, nowhere does this passage of *Causey* describe that the RF receiver has an icon responsive to the time-out output, or a pop-up window provided on a visual display in response to a time-out output. Further, as discussed above, *Goodman* fails to disclose the software including the time-

out output feature of claim 1 as presently presented. Applicants accordingly respectfully submit that it would not have been obvious to modify the RF programmer 1012 or 1012' of *Causey* in view of *Goodman*, to include an icon or pop-up window responsive to a time-out, without reasonably being construed as impermissible hindsight reconstruction.

For at least the above reasons, Applicants respectfully submit that independent claim 44 and dependent claims 16 and 17 are additionally patentably distinguished over *Causey* and *Goodman*. Dependent claims 31, 32, 42 and 43 include similar elements to independent claim 44 and dependent claims 16 and 17. Accordingly, for at least the reasons given above with respect to independent claim 44 (and dependent claims 16 and 17), Applicants respectfully submit that dependent claims 31, 32, 42 and 43 are also additionally patentably distinguished over *Causey* and *Goodman*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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